

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN ARTIS PERRY,

Plaintiff,

vs.

CERTIFIED TRANSMISSION  
REBUILDERS INC.,

Defendant.

**8:17CV322**

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On November 22, 2017, the court ordered Plaintiff to amend his complaint to clearly specify the relief he sought and to file a copy of his right-to-sue notice within 30 days of the court's order. ([Filing No. 6 at CM/ECF pp.4–5.](#)) On December 8, 2017, Plaintiff filed an Amended Complaint which named additional Defendants and, liberally construed, alleged payment of wages earned but not paid. ([Filing No. 7 at CM/ECF pp.2–4.](#)) Plaintiff has not, however, filed a copy of any right-to-sue notice received in response to his charge of discrimination dated July 14, 2016, nor has Plaintiff alleged that he filed suit within 90 days of his receipt of a right-to-sue notice from the Nebraska Equal Opportunity Commission (“NEOC”) and/or Equal Employment Opportunity Commission (“EEOC”). (See [Filing No. 1 at CM/ECF pp.6–7; Filing No. 7.](#)) Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff will be given 20 days to show cause why this case should not be dismissed for his failure to file suit within 90 days of his receipt of a right-to-sue notice. To be clear, if Plaintiff did file suit within 90 days of his receipt of the right-to-sue notice, he need only file a copy of the notice in order to comply with this memorandum and order. However, if Plaintiff did not file suit within 90 days

of his receipt of the right-to-sue notice, Plaintiff must also show that equitable or exceptional circumstances exist that warrant tolling of the 90-day period.

2. This matter will be dismissed without further notice if Plaintiff fails to comply with this memorandum and order.

3. The court directs the clerk of the court to set the following pro se case management deadline in this matter: **January 30, 2018**: Deadline for Plaintiff to show cause.

4. The court reserves the right to conduct further review of Plaintiff's claims pursuant to 28 U.S.C. § 1915(e)(2) after Plaintiff addresses the matters set forth in this Memorandum and Order.

Dated this 10th day of January, 2018.

BY THE COURT:

s/ *Richard G. Kopf*  
Senior United States District Judge